

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re: DDAVP DIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL DIRECT PURCHASER CLASS ACTIONS

Docket No. 05 Civ. 2237 (CS)

NOTICE OF MOTION (1) FOR CERTIFICATION OF THE DIRECT PURCHASER CLASS, (2) FOR APPOINTMENT OF CLASS COUNSEL, (3) FOR PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT, (4) FOR APPROVAL OF THE FORM AND MANNER OF NOTICE TO THE CLASS, AND (5) SETTING THE FINAL SETTLEMENT SCHEDULE AND DATE FOR A FAIRNESS HEARING

PLEASE TAKE NOTICE that upon the Consolidated Amended Class Action Complaint; the accompanying Declaration of Shelly L. Friedland; the accompanying Memorandum of Law; and all other papers and proceedings herein, Plaintiffs Meijer Inc., Meijer Distribution, Inc., Louisiana Whole Drug Co., Inc., and Rochester Drug Co-operative, Inc. will move this Court, at a date and time to be set by the Court, for an order pursuant to Fed. R. Civ. P. 23 that (i) certifies the class of direct purchasers; (ii) appoints Co-Lead Counsel; (iii) preliminarily approves of the settlement of this Action; (iv) approves of the form and manner of notice to Class Members; and (v) sets the final settlement schedule and a date for a fairness hearing on final approval of the Settlement.

Dated: August 3, 2011.

Respectfully submitted,

/s/ Shelly L. Friedland
Linda P. Nussbaum
John D. Radice
Shelly L. Friedland
GRANT & EISENHOFER, P.A.
485 Lexington Avenue
New York, NY 10017
Tel: (646) 722-8536
<http://www.gelaw.com/>

David F. Sorensen
Daniel C. Simons (admitted *pro hac vice*)
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000
www.bergermontague.com

Bruce Gerstein
GARWIN GERSTEIN & FISHER, LLP
1501 Broadway, Suite 1416
New York, NY 10011
(212) 398-0055
www.garwingerstein.com
Co-Lead Counsel